

AMENDED IN ASSEMBLY AUGUST 31, 2007

AMENDED IN SENATE MARCH 22, 2007

SENATE BILL

No. 299

Introduced by Senator Romero

February 15, 2007

An act to add Section 5040 to the Penal Code, relating to the Department of Corrections and Rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Romero. Department of Corrections and Rehabilitation: Honor Program.

Under existing law, the Department of Corrections and Rehabilitation is charged with the care and custody of all state inmates.

This bill would require the department to develop and implement an Honor Program for level III and level IV inmates, as defined. The bill would set forth the criteria for eligibility for the program, for which inmates could volunteer. ~~Inmates designated for the Honor Program would be allowed 4 days of visiting per week.~~ The Honor Program would require the department to establish an Honor Program at all level III or level IV prisons, as specified. ~~The bill would also require all newly constructed correctional facilities designated as level III or level IV facilities to contain an Honor Program yard.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature hereby finds and declares
- 2 the following:

1 (1) Over 90 percent of inmates in California state prisons will
2 return to the community.

3 (2) Rehabilitative programs are essential for reintegration into
4 society by inmates and the protection of public safety.

5 (3) Level III and level IV inmates, as defined by Section 3375.1
6 of Title 15 of the California Code of Regulations, having been
7 ~~convicted of serious offenses~~, *placed in higher security facilities*,
8 need to be in an environment that will allow behavioral change to
9 be positively reinforced, and maintained to increase the likelihood
10 of successful reintegration into society.

11 (4) The Honor Program has proven itself to provide an
12 environment that allows inmates to maintain positive behavioral
13 change.

14 (5) The provision of Honor Programs promotes public safety
15 by maintaining positive behavior change.

16 (b) (1) In enacting this measure, it is the intent of the Legislature
17 to enhance public safety, and promote rehabilitation of level III
18 and *level IV* offenders by increasing the provision of Honor
19 Programs at institutions throughout the State of California.

20 (2) It is further the intent of the Legislature to create Honor
21 Programs within newly constructed Department of Corrections
22 and Rehabilitation facilities, which house level III and *level IV*
23 inmates.

24 SEC. 2. Section 5040 is added to the Penal Code, to read:

25 5040. (a) The Department of Corrections and Rehabilitation
26 shall develop and implement an Honor Program for level III and
27 level IV inmates, as defined by Section 3375.1 of Title 15 of the
28 California Code of Regulations, throughout the adult correctional
29 system. Inmates may volunteer to participate in the program.

30 (b) An inmate shall meet all of the following criteria in order
31 to participate:

32 (1) Have no active prison gang affiliation, either as a member
33 or associate.

34 (2) Shall not be designated as qualified for a sensitive needs
35 yard.

36 (3) Shall be amenable to program participation, including a
37 willingness to *participate in a* program with inmates of any race.

38 (4) Have an in-prison record that includes no work-related rules
39 violation reports in the past two years and, as for level III inmates,
40 no serious rules violation reports in the past two years, and, as for

1 level IV inmates, no serious rules violation reports in the past three
2 years.

3 (5) Be drug-free and agree to random drug testing.

4 (6) Shall not be designated as single-cell status.

5 (7) Shall apply in writing.

6 (c) An inmate who is deemed to be qualified for Honor Program
7 placement shall be placed on a master list maintained by
8 Classification Services Unit staff.

9 (d) Honor Program facilities shall be established based on the
10 number of qualified inmates on the master list, as soon as feasible.

11 ~~(e) Notwithstanding any other provisions, inmates participating~~
12 ~~in the Honor Program shall be allowed four days of visiting per~~
13 ~~week.~~

14 ~~(f)~~

15 (e) The department shall phase-in implementation of Honor
16 Programs at all institutions containing level III or level IV yards,
17 as follows:

18 (1) Once a sufficient number of inmates eligible for the program
19 are identified within an institution, the department shall transfer
20 those eligible inmates to a designated Honor Program yard at that
21 institution.

22 (2) Eligible inmates may designate an alternative institution in
23 which they would be willing to serve their sentence in the Honor
24 Program.

25 ~~(g) All newly constructed correctional facilities designated as~~
26 ~~level III or level IV facilities shall contain an Honor Program yard.~~